

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

**SENATE BILLS NOS. 909,
954, 934 & 1003**

94TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, February 21, 2008, with recommendation that the Senate Committee Substitute do pass.

4169S.05C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 116.080, RSMo, and to enact in lieu thereof one new section relating to petition circulators, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 116.080, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 116.080, to read as follows:

116.080. 1. Each petition circulator shall be at least eighteen years of
2 age, **a citizen of the United States, a Missouri resident**, and registered with
3 the secretary of state. **No person shall qualify as a petition circulator who**
4 **has been convicted of, or found guilty of, or pled guilty to an offense**
5 **involving forgery under the laws of this state, or an offense under the**
6 **laws of any other jurisdiction if that offense would be considered**
7 **forgery under the laws of this state. No petition circulator shall be**
8 **paid on a per signature basis, receive any signature by mail or via the**
9 **Internet, or circulate more than one petition concurrently.** Signatures
10 collected by any circulator who has not registered with the secretary of state
11 pursuant to this chapter [on or before 5:00 p.m. on the final day for filing
12 petitions with the secretary of state] **prior to the collection of such**
13 **signatures** shall not be counted. **Signatures collected by any circulator**
14 **who has been paid on a per signature basis, received any signature by**
15 **mail or via the Internet, or circulated more than one petition**
16 **concurrently shall not be counted.**

17 2. [Each petition circulator] **In order to become registered as a**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 **petition circulator, prior to the collection of any signatures, each**
19 **person seeking to circulate a petition** shall supply the following information
20 to the secretary of state's office:

21 (1) Name of petition;

22 (2) Name of circulator **and proof of United States citizenship;**

23 (3) Residential address, including street number, city, state and zip code,
24 **and proof of Missouri resident status;**

25 (4) Mailing address, if different;

26 (5) [Have you been or] Do you expect to be paid for soliciting signatures
27 for this petition?

28 YES NO

29 (6) If the answer to subdivision (5) is yes, then identify the payor;

30 (7) Signature of circulator.

31 3. The circulator information required in subsection 2 of this section shall
32 be submitted to the secretary of state's office with the following oath and
33 affirmation:

34 I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT
35 ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT, THAT I HAVE
36 NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY
37 TO ANY OFFENSE INVOLVING FORGERY. I HEREBY SWEAR OR
38 AFFIRM UNDER PENALTY OF LAW THAT I AM LEGALLY
39 RESPONSIBLE FOR MY SIGNATURE GATHERING ACTIVITIES AND
40 MAY BE HELD LEGALLY RESPONSIBLE FOR FRAUDULENT OR
41 DECEPTIVE SIGNATURE GATHERING PRACTICES. I HEREBY SWEAR
42 OR AFFIRM UNDER PENALTY OF LAW THAT I WILL NOT BE PAID ON
43 A PER SIGNATURE BASIS FOR THE COLLECTION OF ANY
44 SIGNATURE, RECEIVE ANY SIGNATURE BY MAIL OR VIA THE
45 INTERNET, OR CIRCULATE MORE THAN ONE PETITION
46 CONCURRENTLY.

47 4. Each petition circulator shall subscribe and swear to the proper
48 affidavit on each petition page such circulator submits before a notary public
49 commissioned in Missouri. When notarizing a circulator's signature, a notary
50 public shall sign his or her official signature and affix his or her official seal to
51 the affidavit only if the circulator personally appears before the notary and
52 subscribes and swears to the affidavit in his or her presence.

53 5. Any circulator who falsely swears to a circulator's affidavit knowing it
54 to be false, **receives payment for collecting signatures on a per signature**
55 **basis, receives any signature by mail or via the Internet, or circulates**
56 **more than one petition concurrently** is guilty of a class A misdemeanor
57 punishable, notwithstanding the provisions of section 560.021, RSMo, to the
58 contrary, for a term of imprisonment not to exceed one year in the county jail or
59 a fine not to exceed ten thousand dollars or both.

Unofficial

Bill

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